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Attorneys for Individual and Representative Plaintiffs and the Proposed Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

J. DOE 1, et al.,

Individual and
Representative Plaintiffs,

v.

GITHUB, INC., et al.,

Defendants.

AND CONSOLIDATED ACTION

Case No. 4:22-cv-6823-JST
Consolidated with Case No. 4:22-cv-7074-JST

**STIPULATION AND ~~PROPOSED~~
ORDER FOR BRIEFING SCHEDULE**

Courtroom: 6
Judge: Hon. Jon S. Tigar
Trial Date: None Set

Complaint Filed: November 3, 2022.
Amended Complaint Filed: June 8, 2023.

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14 *Attorneys for OpenAI, Inc., OpenAI, L.P., OpenAI*
15 *GP, LLC, OpenAI OpCo, L.L.C., OpenAI Startup*
16 *Fund GP I, L.L.C, OpenAI Startup Fund I, L.P.,*
and OpenAI Startup Fund Management LLC

Pursuant to Northern District of California Local Rule 6-1, the parties in the above-captioned action hereby stipulate and agree as follows.

WHEREAS, on June 8, 2023, Plaintiffs Doe 1, Doe 2, Doe 3, Doe 4, and Doe 5 (the “Plaintiffs”) filed a First Amended Complaint (the “FAC,” ECF No. 98) against Defendants GitHub, Inc.; Microsoft Corporation; OpenAI, Inc.; OpenAI, L.P.; OpenAI OpCo, L.L.C., OpenAI GP, L.L.C.; OpenAI Startup Fund GP I, L.L.C.; OpenAI Startup Fund I, L.P.; and OpenAI Startup Fund Management, L.L.C.¹ in the above-captioned consolidated action (the “Action”);

WHEREAS, Defendants apart from OpenAI OpCo, L.L.C. were served on June 8, 2023;

WHEREAS, apart from OpenAI OpCo, L.L.C., Defendants’ responses to the FAC are due June 22, 2023;

WHEREAS, Defendant OpenAI OpCo, L.L.C. was served on June 13, 2023;

WHEREAS, Defendant OpenAI OpCo, L.L.C.’s response to the FAC is due July 5, 2023;

WHEREAS, Defendants in the Action have not filed any responses to the FAC;

WHEREAS, Civil Local Rule 6-1(a) permits the parties to “stipulate in writing, without a Court order, to extend the time within which to answer or otherwise respond to the complaint” so long as “the change will not alter the date of any event or any deadline already fixed by Court order”;

WHEREAS, Civil Local Rule 6-1(b) permits the parties to stipulate to enlarge or shorten the deadline for papers, other than an initial response to a complaint, required to be filed with the Court.

WHEREAS, the parties have conferred and agreed to an extension of the deadline for Defendants to move or otherwise respond to the FAC, and to shorten the time for OpenAI OpCo,

¹ GitHub, Inc. is referred to as “GitHub.” Microsoft Corporation is referred to as “Microsoft.” OpenAI, Inc.; OpenAI, L.P.; OpenAI OpCo, L.L.C.; OpenAI GP, L.L.C.; OpenAI Startup Fund GP I, L.L.C.; OpenAI Startup Fund I, L.P.; and OpenAI Startup Fund Management, LLC are referred to collectively herein as “OpenAI.” Collectively, GitHub, Inc., Microsoft Corporation, OpenAI, Inc.; OpenAI, L.P.; OpenAI OpCo, L.L.C.; OpenAI GP, L.L.C.; OpenAI Startup Fund GP I, L.L.C.; OpenAI Startup Fund I, L.P.; and OpenAI Startup Fund Management, L.L.C. are referred to herein as “Defendants.”

1 L.L.C. to respond to the FAC;

2 WHEREAS, the parties have conferred and agreed to a briefing schedule in the event
3 Defendants move to dismiss the FAC;

4 WHEREAS, there has not been an extension for the filing of responsive pleadings to the
5 FAC;

6 WHEREAS, an extension of the deadline to respond to the FAC will not alter the date of
7 any event or deadline already fixed by Court order;

8 WHEREAS, the first available date motions to dismiss the FAC can be heard is
9 September 14, 2023; and,

10 WHEREAS, Defendants do not waive, and expressly reserve, all available defenses;

11 **NOW THEREFORE**, the parties, through their undersigned counsel, hereby stipulate
12 and agree pursuant to Local Rule 6-1(a) that Defendants' deadline to respond to the FAC shall be
13 June 29, 2023.

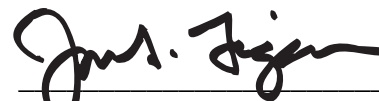
14 **NOW THEREFORE**, the parties, through their undersigned counsel, hereby stipulate
15 and agree, subject to the approval of the Court:

16 1. Plaintiffs' oppositions to any motion(s) filed by Defendants in response to the
17 FAC shall be due July 27, 2023.

18 2. Defendants' replies to any such motions shall be due August 10, 2023.

19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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21 DATED: June 22, 2023



22 JON S. TIGAR
23 United States District Judge
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1 Dated: June 21, 2023

Orrick, Herrington & Sutcliffe LLP

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3 By: /s/Annette L. Hurst
4 ANNETTE L. HURST
5 Attorneys for GitHub, Inc. and
Microsoft Corporation

6 Dated: June 21, 2023

MORRISON & FOERSTER LLP

7
8 By: /s/Joseph C. Gratz
9 JOSEPH C. GRATZ
10 Attorneys for OpenAI, Inc., OpenAI, L.P.,
11 OpenAI GP, L.L.C., OpenAI OpCo,
12 L.L.C., OpenAI Startup Fund GP I, L.L.C.,
OpenAI Startup Fund I, L.P., and OpenAI
Startup Fund
Management L.L.C.

13 Dated: June 21, 2023

JOSEPH SAVERI LAW FIRM, LLP

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15
16 By: /s/Joseph R. Saveri
17 JOSEPH R. SAVERI
18 Attorneys for Individual and
Representative Plaintiffs and
the Proposed Class

L.R. 5-1 SIGNATURE ATTESTATION

As the ECF user whose user ID and password are utilized in the filing of this document, I attest under penalty of perjury that concurrence in the filing of the document has been obtained from each of the other signatories.

Dated: June 21, 2023

/s/Annette L. Hurst

Annette L. Hurst